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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,929	12/30/2004	Laurent Maurin	37308	3160
116	7590	03/10/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			BLEVINS, JERRY M	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/519,929

Applicant(s)

MAURIN, LAURENT

Examiner

Jerry Martin Blevins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "said fiber (2) possibly being subjected to at least one mechanical stress" renders the claim indefinite, since one of ordinary skill in the art would be uncertain if the claimed assembly actually subjects said fiber to at least one mechanical stress.

Claims 2-10 inherit the above deficient limitation from the parent claim 1.

For purposes of examination, examiner does not give patentable weight to the above limitation, since any fiber held in a clamping device would potentially be subjected to mechanical stress either from the clamping device itself or from any other undisclosed outside source.

### ***Claim Objections***

Claims 5-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent to Wisecarver et al., number 4,848,870 in view of US Patent to Sayegh, number 5,002359.

Regarding claim 1, Wisecarver teaches an assembly (Figures 1 and 2) comprising a clamping device (made up of jaws 2) and a fiber (17,18) held by the device and comprising a rigid and brittle core (column 2, lines 53-65 teach that the core is made of glass) surrounded by a cladding (column 2, lines 53-65), the clamping device comprising several jaws (2) distributed around a main axis (signified by main arrows in Figure 1 and to location of fibers in Figure 2) of this device and occupying a clamped position (Figure 2), each jaw comprising an inner surface (8) composed of a central portion (all of the inner surface except end portions 12) and two end portions (12), the end portions being made so as to prolong the central portion by gradually moving away from the main axis of the device (column 2, line 66 – column 3, line 14), characterized in that a section of the inner surfaces of any plane perpendicular to the main axis of the device is a closed line (column 2, lines 43-52 and column 2, line 66 – column 3, line 14), and in that only a part of each end portion is in contact with the cladding of the fiber (Figure 2). Wisecarver does not teach that the cladding is mechanically deformable.

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Sayegh teaches a glass fiber core coated with a mechanically deformable cladding (column 4, lines 16-23 teach a polyimide protective cladding). It would have been obvious to one of ordinary skill in the art to modify the fiber of Wisecarver with the mechanically deformable cladding of Sayegh. The motivation would have been to improve protection of the fiber, since a mechanically deformable cladding would be able to withstand mechanical stress applied to the fiber.

Regarding claim 2, Wisecarver teaches that for each jaw, the end portions are surfaces for which a section defined by a plane passing through the main axis of the device is a line segment (Figures 1 and 2, column lines 43-52 and column 2, line 66 – column 3, line 14).

Regarding claim 3, Wisecarver in view of Sayegh teaches the limitations of the base claim 1. Wisecarver does not teach that for each jaw, the end portions are surfaces for which a section defined by a plane passing through the main axis of the device is a curved line. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wisecarver such that the end portions are surfaces for which a section defined by a plane passing through the main axis of the device is a curved line. The motivation would have been to improve protection of the fiber, since this modification would insure that, when in the clamped position, the clamping device would not puncture the fiber.

Regarding claim 4, Wisecarver in view of Sayegh teaches the limitations of the base claims. Wisecarver does not teach that the inner surface of each jaw is a surface with no sharp angle. However, it would have been obvious to one of ordinary skill in the

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art at the time of the invention to modify Wisecarver such that the inner surface of each jaw is a surface with no sharp angle. The motivation would have been to improve protection of the fiber, since this modification would insure that, when in the clamped position, the clamping device would not puncture the fiber.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Martin Blevins whose telephone number is 571-272-8581. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMB



Frank G. Font  
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